



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SW

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/691,716 | 10/22/2003 | Mario Latronico | 58009-017200 | 6855 |
| 33717 | 7590 | 01/03/2005 | | |
| GREENBERG TRAUIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404 | | | EXAMINER TAWFIK, SAMEH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3721 | |

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,716

Applicant(s)

LATRONICO, MARIO

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3721

DETAILED ACTION

Specification

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim (claim 1, line 10) recites the limitation "the power driven feed roller".

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Runge (5,247,781) in view of Grevich et al. (4,305,240).

Runge discloses a horizontal packaging machine for making packages equipped with zip closure (16 and 18), the machine comprising at least one unit for unwinding a

Art Unit: 3721

film (20) of synthetic material for packaging a series of products (24); at least one unit (36) for unreeling a pair of tapes to form a zip closure (16 and 18); a shaping tunnel located downstream of the film unreeling unit (Fig. 4; via sealing apparatus 124); a sealing unit located downstream of the shaping tunnel (Fig. 4; via sealing bars 128). Runge does not disclose a power-driven film feed roller designed to apply a uniform pulling force on the film which is unwound and fed into the sealing unit wherein the power driven feed roller has on its surfaces a series of jaws for transversely sealing and separating the packages. However, Grevich discloses a similar packaging machine comprising a power-driven film feed roller (Fig. 1) designed to apply a uniform pulling force on the film which is unwound and fed into the sealing unit wherein the power driven feed roller has on its surfaces a series of jaws for transversely sealing and separating the packages (Figs. 1 and 5; via jaws 18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Runge's sealing and cutting bars 128 by having a power-driven film feed roller designed to apply a uniform pulling force on the film which is unwound and fed into the sealing unit wherein the power driven feed roller has on its surfaces a series of jaws for transversely sealing and separating the packages, as suggested by Grevich, in order to readily and easily varying the length of the produced packages and radially adjusting the sealing and cutoff heads on the rotor to accommodate packages of various lengths (column 2, lines 40-45).

Regarding claim 3: Runge discloses a zip tape and package separating unit (Fig. 4; via knife 130).

Art Unit: 3721

Regarding claim 4: Grevich discloses that the jaws have cutting edges (Fig. 5; via 18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Runge's sealing and cutting bars 128 by having a power-driven film feed roller with jaws having cutting edges, as suggested by Grevich, in order to readily and easily varying the length of the produced packages and radially adjusting the sealing and cutoff heads on the rotor to accommodate packages of various lengths (column 2, lines 40-45).

Regarding claim 5: Runge nor Grevich disclose a pair of opposite platforms one on each side of the film to make a first continuous seal along the outside of the joined edges of the film and a second seal along the inside in order to attach the zip tape to the film edges. However, the examiner takes an official notice that the mentioned two seals on a reclosable bags is old, well known and available in the art, see for example US. Patent Num. 6,523,325 and 4,618,383. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Runge's horizontal packaging machine by having means to make a first continuous seal along the outside of the joined edges of the film in order to secure the inside seal from any damage and provide the customer with a prove that the bag is never opened and a second seal along the inside in order to attach the zip tape to the film edges.

Regarding claim 6: Runge discloses free turning guide rollers to guide the film into the sealing unit (Fig. 4; via rollers 88 and 90).

Art Unit: 3721

Regarding claim 7: Runge discloses a pair of jaws feature a longitudinal groove which accommodates the zip tape while the seal is being made (Fig. 4; via sealing bars 124 and 128)

Regarding claim 8: Runge discloses close to the unit (36) for unwinding the zip tape (16 and 18), a pair of unwinding rollers (Fig. 1; via guide rollers 40, 44, 46, 48, and 49). Runge does not disclose that rollers for unwinding are driven by a servomotor. However, the examiner takes an official notice that driving rollers by servomotor is old, well known and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Runge's horizontal packaging machine by having servomotor to control the unwinding of the zip tape, in order to control the tension of the closure tape.

Regarding claim 9: Runge does not disclose downstream of the power-driven roller a device for collecting and feeding out the packages. However, it is inherent that Runge's packaging apparatus have a collecting or stacking station by the end of the manufacture line.

Regarding claim 9: Runge does not disclose that two process lines placed side by side. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Runge's packaging machine by having two process lines placed side by side, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. in order to have more manufactured bags in shorter time.

Art Unit: 3721

Response to Arguments

Applicant's remarks with respect to claims 1 and 3-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

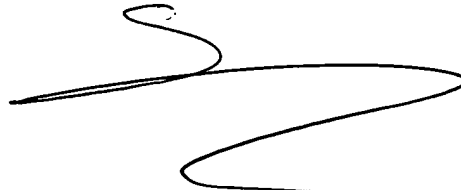
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721

ST.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned below the printed name of the examiner.